

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

DOUGLAS BROWN,	:
Petitioner	:
v.	: Case No. 3:24-cv-49-KAP
MELISSA HAINSWORTH, WARDEN,	:
S.C.I. LAUREL HIGHLANDS,	:
Respondent	:

Memorandum Order

Petitioner's motion to proceed *in forma pauperis* as to service, ECF no. 7, is denied without prejudice. A motion to proceed *in forma pauperis* requires an affidavit that includes a statement of all assets the movant possesses and a statement that the person is unable to pay or give security for the necessary fees. 28 U.S.C.A. § 1915(a)(1). For a prison inmate, the Prison Litigation Reform Act also requires the motion to proceed *in forma pauperis* to include a certified copy of the inmate's prison account statement for the last six months. See 28 U.S.C. § 1915(a)(2):

A prisoner seeking to bring a civil action or appeal a judgment in a civil action or proceeding without prepayment of fees or security therefor, in addition to filing the affidavit filed under paragraph (1), shall submit a certified copy of the trust fund account statement (or institutional equivalent) for the prisoner for the 6-month period immediately preceding the filing of the complaint or notice of appeal, obtained from the appropriate official of each prison at which the prisoner is or was confined.

In light of the above, petitioner's Motion to Compel, ECF no. 8, is denied as premature.

My preliminary review of the Petition, ECF no. 4, is that it only raises the claim that the state courts are unduly delaying disposition of his PCRA proceedings. Ordinarily a habeas petitioner is limited to one federal habeas petition. Petitioner, assuming that he wishes to raise more than the issue of delay, should file an amended petition raising all his claims. The Clerk shall send him a form petition for his use if he desires.



DATE: August 22, 2024

Keith A. Pesto,
United States Magistrate Judge

Notice by U.S. Mail to:

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